



United States
Department of
Agriculture

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Food and
Nutrition
Service

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SUBJECT: Reissuance of Policy on Limited Disclosure of Children's Eligibility Information to Title I and the National Assessment of Educational Progress (NAEP)

TO: Regional Directors
Child Nutrition Programs
All Regions

Department of Education's Title I of the Elementary and Secondary Education Act and the NAEP are the two Federal education programs that request the use of children's free and reduced price meal eligibility information most frequently. We have issued several memoranda on the disclosure of children's eligibility information. This memorandum consolidates the policy relating to Title I and the NAEP.

The Healthy Meals for Healthy Americans Act of 1994, P.L. 103-448, amended Section 9(b)(2)(C) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751(b)(2)(C)) to allow the disclosure of children's eligibility information, without parental consent, to certain persons and programs. Among these persons and programs are individuals directly connected with Federal education programs, such as Title I and the NAEP.

School food authorities may disclose, without parent/guardian consent, participants' names and eligibility status (whether they are eligible for free meals or free milk or reduced price meals) to persons *directly* connected with the administration or enforcement of Title I and the NAEP. Additionally, school food authorities may disclose participants' names and eligibility status to persons directly connected with the administration or enforcement of State educational assessment programs to the extent that the State assessment is part of the NAEP or the assessment program is established at the State, not local level. Other State education programs are also eligible to have access to participants' names and eligibility status, without parent/guardian consent, but the program must be established at the State, not local level.

The term "persons directly connected" for the purpose of disclosure to Title I or NAEP includes Federal, State and local program operators responsible for Title I or NAEP program administration or program compliance and their contractors. This does not imply that these persons have routine access to participants' eligibility status. There must be a "need to know" for legitimate Title I or NAEP purposes.